

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT SAUNDERS,

Plaintiff Below,  
Appellant,

v.

WARDEN PERRY PHELPS,

Defendant Below,  
Appellee.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

No. 233, 2009

Court Below—Superior Court  
of the State of Delaware in and  
for New Castle County

C. A. No. 09C-02-224

Submitted: May 12, 2009

Decided: May 20, 2009

ORDER

This 20<sup>th</sup> day of May 2009, the Court has considered the Clerk's notice directing the appellant to show cause pursuant to Supreme Court Rule 29(b) why this appeal should not be dismissed for his failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order. The appellant has not responded to the notice to show cause. The appellant's failure to respond to the notice to show cause is deemed to be his consent to the dismissal of this appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2), 29(b) and 42, that the appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice